

Jeremy Adamson (12818)  
Chad S. Pehrson (12622)  
Robert P. Harrington (12541)  
Stephen Richards (19332)  
Taylor J. Smith (17537)  
KUNZLER BEAN & ADAMSON, PC  
50 West Broadway Ste 1000  
Salt Lake City Utah 84101  
Telephone: (801) 994-4646

*Attorneys for Defendants*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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CAPANA SWISS ADVISORS AG, a Swiss  
corporation; AMERIMARK AUTOMOTIVE  
AG, a Swiss corporation,

Plaintiffs,

vs.

RYMARK, INC., a Utah corporation;  
NICHOLAS THAYNE MARKOSIAN, an  
individual; JOHN KIRKLAND, an individual;  
and VICKY SMALL, an individual,

Defendants.

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RYMARK, INC., a Utah corporation; and  
NICHOLAS THAYNE MARKOSIAN, an  
individual,

Counter Claimants,

vs.

CAP ANA SWISS ADVISORS AG, a Swiss  
corporation, and Amerimark Automotive AG,  
a Swiss Corporation,

Counter Defendants.

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**DECLARATION OF CHAD PEHRSON  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR ADDITIONAL TIME TO  
SERVE ASHLEY MIRON LESHEM**

Case No.: 2:23-cv-00467

Judge: Robert J. Shelby  
Magistrate Judge: Cecilia M. Romero

I, Chad Pehrson, declare as follows:

1. I am over 18 years of age and am fully competent to make this declaration. I am counsel to Defendants and Counterclaimants Rymark, Inc. (“**Rymark**”); Nicholas Markosian; John Kirkland; and Vicky Small (“**Defendants**”). I have personal knowledge of the matters set forth below or have obtained knowledge from my review of the file.

2. On September 3, 2024, Rymark filed its Third Party Complaint against Shaen Bernhard, Ashely Miron Leshem, David Hesterman, Nicolai Colshorn, Stefan Kammerlander, Alexander Coenen, Martin Fasser Heeg, and AmeriMark Group AG, Philomaxcap AG

3. Counting from September 3, 90 days is December 2.

4. Promptly after filing the Complaint against Mr. Leshem, Rymark engaged two different process servers and two different investigators to complete service on Mr. Leshem.

5. The process servers attempted service on Defendant at the best known address according to all available databases, namely 7824 La Mirada Drive, Boca Raton, FL 33433.

6. The first process server, AMS United, made the following attempts:

10/3/2024 @ 8:14pm – There was no answer at the door. No activity was heard or seen inside.

10/6/2024 @ 2:18pm – There was no answer at the door. No activity was heard or seen inside.

10/7/2024 @ 11:05am – Upon arrival the server saw a man was standing in the driveway as I pulled up to the residence. The man went inside the house as I was getting out of the car. No answer at the door. White utility van parked in driveway. Can see another car parked in garage. May be avoiding service.

7. Following these unsuccessful efforts, a different process server- John Valderrama- was retained with instructions to spare no expense in locating and serving Mr. Leshem. Mr. Valderrama made the following attempts:

10/17/24: "Subject not home no vehicle on site"

10/18/24 : "No one home no vehicle on site"

10/18/24 (2<sup>nd</sup> evening attempt): "No one home no vehicle on site"

10/19/24: "No one home no vehicle on site"

Mr. Valderrama's Declaration of Service is attached hereto as Exhibit A.

8. Since the unsuccessful service efforts, Rymark has retained two former FBI agents to track down Mr. Leshem. Those efforts are ongoing and Rymark hopes the efforts will eventually be successful.

Executed on December 2, 2024, in Salt Lake City, Utah.

By: /s Chad Pehrson  
Chad Pehrson

Exhibt A - DOS

for the  
DISTRICT OF UTAH

**Capana Swiss Advisors AG, et al.**

**Plaintiff**

**Vv.**

**Rymark, Inc. et al.**

**Defendant, Third-party plaintiff**

**V.**

**Shaen Bernhardt, et al.**

### Third-party defendant

[illegible]

Civil Action No. 2:23-cv-00467-RJS-  
CMR

## AFFIDAVIT OF NONSERVICE

I, John Valderrama, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

After careful inquiry and diligent attempts, I was unable to serve Ashley Miron Leshem as I could not find the subject or information as to the location of the subject's whereabouts.

Serve Attempt #1

Date / Time: October 17, 2024 1:50 pm

Address: 7824 La Mirada Drive, Boca Raton, FL 33433

Photo: See Exhibit 1a below

Geolocation: <https://google.com/maps?q=26.3327609875,-80.1681210535>

Description of attempt: Subject not home no vehicle on site

## Serve Attempt #2

Date / Time: October 18, 2024 2:00 pm

Address: 7824 La Mirada Drive, Boca Raton, FL 33433

Photo: See Exhibit 2a below

Geolocation: <https://google.com/maps?q=26.332765661,-80.1681293463>  
Description of attempt: No one home no vehicle on site

Serve Attempt #3

Date / Time: October 18, 2024 6:27 pm  
Address: 7824 La Mirada Drive, Boca Raton, FL 33433  
Photo: See Exhibit 3a below  
Geolocation: <https://google.com/maps?q=26.4426956652,-80.1411801764>  
Description of attempt: No one home no vehicle on site

Serve Attempt #4

Date / Time: October 19, 2024 12:47 pm  
Address: 7824 La Mirada Drive, Boca Raton, FL 33433  
Photo: See Exhibit 4a below  
Geolocation: <https://google.com/maps?q=26.4427177096,-80.141162742>  
Description of attempt: No one home no vehicle on site

Total Cost: \$150.00

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FACTS HEREIN ARE TRUE AND CORRECT.

Executed in

Palm Beach County,

FL on 10/23/2024.

*/s/ John Valderrama*

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Signature

John Valderrama

+1 (917) 601-0647











